

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LISA KOSS,

Plaintiff,

v.

PALMER FIRE DISTRICT NUMBER  
ONE AND PALMER WATER  
DISTRICT NUMBER ONE,  
WILLIAM COLE and CHARLES M.  
CALLAHAN, III,

Defendants.

CIVIL ACTION NO. 3:12-cv-30170-MGM

**DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S  
FIRST AMENDED COMPLAINT**

Defendants, Palmer Fire District Number One and Palmer Water District Number One, William Cole and Charles M. Callahan, III (hereinafter collectively "Defendants") hereby submit this Answer and Affirmative Defenses to Plaintiff's Amended Complaint.

**ANSWER**

**Parties**

1. Defendants admit that Plaintiff is a natural person. Defendants are without sufficient information to form a belief as to the truth of the remaining allegation.
2. Denied.
3. Admitted.
4. Admitted.

**Facts**

5. The first sentence of Paragraph 5 is denied. The second sentence of Paragraph 5 is admitted.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Defendants deny all implications of unlawful conduct contained in Paragraph 15 and otherwise deny the allegations as written.
16. Denied.
17. Denied.
18. Denied.

**Count I**  
**(Title VII – Sexual Harassment)**  
**(Plaintiff v. Defendant PWD)**

19. Defendants incorporate their answers to Paragraphs 1 through 18 of the Complaint as if fully stated herein.
20. Denied.
21. Denied.
22. Denied.
23. Denied.

**Count II**  
**(Title VII – Retaliation)**  
**(Plaintiff v. Defendant PWD)**

- 24. Defendants incorporate their answers to Paragraphs 1 through 23 of the Complaint as if fully stated herein.
- 25. Denied.
- 26. Denied.
- 27. Denied.
- 28. Denied.

**Count III**  
**(M.G.L. c. 151B – Sexual Harassment)**  
**(Plaintiff v. Defendant PWD)**

- 29. Defendants incorporate their answers to Paragraphs 1 through 28 of the Complaint as if fully stated herein.
- 30. Denied.
- 31. Denied.
- 32. Denied.

**Count IV**  
**(M.G.L. c. 151B – Retaliation)**  
**(Plaintiff v. Defendant PWD)**

- 33. Defendants incorporate their answers to Paragraphs 1 through 32 of the Complaint as if fully stated herein.
- 34. Denied.
- 35. Denied.
- 36. Denied.

**Count V**  
**(M.G.L. c. 151B – Sexual Harassment)**  
**(Plaintiff v. Defendant Cole)**

- 37. Defendants incorporate their answers to Paragraphs 1 through 36 of the Complaint as if fully stated herein.
- 38. Denied.
- 39. Denied.
- 40. Denied.

**Count VI**  
**(M.G.L. c. 151B – Retaliation)**  
**(Plaintiff v. Defendant Cole)**

- 41. Defendants incorporate their answers to Paragraphs 1 through 40 of the Complaint as if fully stated herein.
- 42. Denied.
- 43. Denied.
- 44. Denied.

**Count VII**  
**(M.G.L. c. 151B – Sexual Harassment)**  
**(Plaintiff v. Defendant Callahan)**

- 45. Defendants incorporate their answers to Paragraphs 1 through 44 of the Complaint as if fully stated herein.
- 46. Denied.
- 47. Denied.
- 48. Denied.

**Count VIII**  
**(M.G.L. c. 151B – Retaliation)**  
**(Plaintiff v. Defendant Callahan)**

- 49. Defendants incorporate their answers to Paragraphs 1 through 48 of the Complaint as if fully stated herein.

50. Denied.

51. Denied.

52. Denied.

**AFFIRMATIVE DEFENSES**

1. Plaintiff has failed to exhaust her administrative remedies.
2. Plaintiff has failed to state a claim for which relief can be granted.
3. Plaintiff has failed to mitigate her damages.
4. Defendants exercised reasonable care to prevent and promptly correct any alleged harassing behavior and Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities to avoid harm.
5. Plaintiff did not engage in protected activity.
6. Plaintiff was not subject to an adverse employment action because of protected activity.
7. Some or all of Plaintiff's claims are barred by the applicable Statute of Limitations.
8. This Court has no jurisdiction over some or all of the pending claims.

Respectfully Submitted,

/s/ Karina L. Schrengohst, Esq.

Karina L. Schrengohst, Esq.

BBO #681614

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Dated: October 7, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Defendants' Answer and Affirmative Defenses to Plaintiff's First Amended Complaint* was served upon the attorney of record for each other party via the Court's CM/ECF Electronic Case Filing System, on October 7, 2014.

/s/ Karina L. Schrengohst, Esq.  
Karina L. Schrengohst, Esq.